

FINDINGS OF MICHAEL GLAZER
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COASTAL ZONE MANAGEMENT
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
APPROVAL OF THE
NEW JERSEY COASTAL MANAGEMENT PROGRAM

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Introduction

As Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration (NOAA), I have reviewed the record of the development of the New Jersey Coastal Management Program (NJCMP) including the Coastal Management Strategy for New Jersey dated September 1977; the Program/Final Environmental Impact Statement for the Bay and Ocean Shore Segment (the Segment) issued August 24, 1978; the Options for New Jersey's Development Coast dated March 1979; the combined Program/Draft Environmental Impact Statement (P/DEIS) issued May 7, 1980 and all comments thereon, and the Program/Final Environmental Impact Statement (P/FEIS) issued August 29, 1980 and all comments thereon. Based on that review, I have concluded that the NJCMP meets all the requirements of the Coastal Zone Management Act of 1972, as amended (CZMA), and its implementing regulations pertaining to State program development and approval. The results of my review are set forth below.

II. The Federal Coastal Zone Management Program

The adequacy of the NJCMP must be measured against the requirements of the CZMA. The CZMA was passed in recognition of the importance of the coastal zone of the United States and the potential adverse effects of over-development on this natural resource. The CZMA authorizes a program of financial assistance to encourage the States to manage their coasts more effectively. The CZMA is administered by the Secretary of Commerce, who in turn has delegated this responsibility to NOAA.

The CZMA states that "there is a national interest in the effective management, beneficial use, protection and development of the coastal zone" (Section 302(a)). The Congressional findings then describe how competition for a utilization of coastal resources, brought on by the increased demands

of population growth and economic development, has led to degradation of the coastal environment, including the "loss of living marine resources, wildlife, nutrient rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use and shoreline erosion" (Section 302(c)). The CZMA also provides that "The key to more effective protection and use of the land and water resources of the coastal zone is to encourage the States to exercise their full authority over the lands and waters in the coastal zone by assisting the States, in cooperation with Federal and local governments and other vitally affected interests, in the development of land and water use programs...for dealing with coastal land and water use decisions of more than local significance" (Section 302(h)).

These broadly stated goals of the CZMA recognize that each individual State should develop a program most appropriate to its needs and situation. Thus, it is at the State level of government that prime responsibility exists for achieving effective management of the coastal zone. Under Section 305 of the CZMA, up to four years of grants are available to 35 coastal States and territories (the Great Lakes States included) to finance up to 80 percent of program development costs.

After developing a management program, the State may submit it to the Assistant Administrator for Coastal Zone Management for approval. If the program is approved, the State is then eligible for annual grants under Section 306 to administer its management program. In considering a program for Federal approval, the Assistant Administrator reviews it in accordance with the following general requirement:

The management program must provide for the management of those land and water uses having a direct and significant impact on coastal waters and must take steps to assure the appropriate protection of those significant

resources and areas, such as wetlands, beaches and dunes, and barrier islands, that make the State's coastal zone a unique, vulnerable, or valuable area. The management program must contain three broad classes of policies, consistent with the findings of Section 302 of the CZMA, that are related to resource protection, management of coastal development, and simplification of governmental processes.

The policies in the management program must be appropriate to the nature and degree of management needed for uses, areas, and resources identified as subject to the program. The policies, standards, objectives, criteria, and procedures by which management program decisions will be made must provide a clear understanding of the content of the program, especially in identifying who will be affected by the program and how, and a clear sense of direction and predictability for decision-makers who must take actions pursuant to or consistent with the program.

The Office of Coastal Zone Management (OCZM) has issued regulations providing additional guidance on State program development and approval pursuant to the CZMA requirements (15 C.F.R. Part 932). These regulations, which reflect the CZMA's Federal-State collaborative process and the need to respond to unique State coastal needs, form the basis of my decision to approve the NJCMP.

III. History of New Jersey Program

Coastal management in New Jersey began prior to the 1974 receipt of Federal funds pursuant to the CZMA. The General Riparian Act of 1869 established a procedure governing the sale, leasing and management of riparian lands held by the State since colonial days. The Waterfront Development Act of 1914 regulates the development of lands along tidal waters. In the 1970s, the legislature enacted the Coastal Area Facility Review Act (CAFRA) and the Wetlands Act.

In 1973 the State began to prepare a coastal management program for the coastal area from Raritan Bay south to Cape May and north on Delaware Bay to the Delaware Memorial Bridge as required in the CAFRA. After distribution of working papers and numerous public meetings with local officials, the State distributed Coastal Management Strategy for New Jersey - CAFRA Area in September of 1977. This strategy document became the basis for the Program/DEIS with respect to the Bay and Ocean Shore Segment of the New Jersey Coast released May 5, 1978. The Segment's coastal program was approved by OCZM effective September 28, 1978.

Development of a coastal program for the entire coast continued with the issuance in March 1979 of Options for New Jersey's Developed Coast for comment by citizens and government agencies. The first option presented was to obtain new legislation which would combine existing State permits and enable local government implementation. The second option, which was eventually selected, was to develop the program under existing laws. The Options document and the Segment program were the basis for the P/DEIS circulated in May 1980 with respect to the State's entire coast. Regulations for a revised interpretation of the Waterfront Development Act and revised coastal policies were included. Over 500 comments were received on the P/DEIS and responded to in the P/FEIS. On August 29, 1980, the P/FEIS was circulated.

IV. Summary of the New Jersey Program

The New Jersey coast has two distinct areas, intensely developed waterfronts along the Delaware River and north of Raritan Bay to the boundary with New York on the Hudson River, and the less industrialized Delaware Bay and ocean shore segment. The latter area has been managed essentially

for conservation and tourism under the Segment coastal program approved under Section 306(h) of the CZMA in September 1978.

In the northern waterfront and in the Delaware River north of the Delaware Memorial Bridge, the inland coastal zone boundary is defined as the jurisdiction of the Waterfront Development Act of 1914, which is the first public road or cultural feature at least 100 feet and no more than 500 feet from the mean high water line. The exception to this boundary is the Hackensack Meadowlands, which are included in their entirety as defined in the Hackensack Meadowlands Reclamation and Development Act. (HMRDA). A map of the Meadowlands boundary is set forth on page 270 of the P/FEIS and generally extends to the first major road or railroad upland of the tidally influenced meadowlands; the Meadowlands area is 19,730 acres of which, in 1972, 7,800 acres (40 percent) were developed, between 6,200 and 7,500 acres (31 - 38 percent) were vegetated coastal wetlands and 1,400 acres (7 percent) were tidal waters. The boundary in the rest of the coastal zone is that defined by the CAFRA, or the upper wetlands boundary located landward of the CAFRA boundary, whichever is further inland. The seaward boundary extends to the limits of the U.S. territorial waters and the interstate boundaries of the States of New York, Delaware and Pennsylvania.

The NJCMP is based on a series of resource management laws passed during the early 1970s that gave the State direct control over land and water uses of statewide significance and a recent State Attorney General's interpretation of the Waterfront Development Act.

The principal law in the Delaware Bay and Ocean Shore Segment is the CAFRA, which establishes a comprehensive State permit review process for all major facilities. The CAFRA authorizes the State Department of Environmental Protection (DEP) to regulate and approve the location, design

and construction of major facilities in a 1,376 square mile coastal region encompassing portions of Middlesex, Monmouth, Ocean, Burlington, Atlantic, Cape May, Cumberland and Salem Counties. The CAFRA area also includes coastal waters. Lying within the CAFRA area are New Jersey's barrier beach islands, all of its coastal resort areas, portions of the Pinelands, large agricultural areas, and New Jersey's fastest growing county (Ocean). Certain development proposals are exempted from CAFRA permitting requirements, including residential developments containing less than 25 units.

The Waterfront Development Act authorizes DEP to regulate the construction or alteration of any dock, wharf, pier, bulkhead, bridge, pipeline, cable or other "similar or dissimilar development" on or adjacent to navigable waterways and streams throughout the State. This DEP authority applies only to the coastal zone outside the jurisdiction of CAFRA and the Hackensack Meadowlands. In the past, the Act has been applied only to "tide-flowed" lands on or below the mean high water line, but DEP has now adopted regulations that define the geographic area to include any navigable stream or waterway landward to the first public road or cultural feature at least 100 feet and no more than 500 feet from the mean high water line. The regulations define the activities requiring a permit as dredging, construction or alteration of a building, dock, wharf, bridge or similar structure. These regulations, which are reprinted in Appendix D of the P/FEIS, are intended to reestablish DEP's long neglected authority to guide development in waterfront areas. They have been reviewed and endorsed by the Attorney General, whose opinion is also contained in Appendix D of the P/FEIS.

The Wetlands Act authorizes DEP to regulate activities on coastal wetlands, except those north of the Raritan Bay. Since its enactment and the adoption of Wetlands Regulations in 1972, the amount of wetlands filled in New

Jersey has been reduced from 1,900 to 55 acres annually. In 1978 approximately 14 acres of regulated wetlands were filled, while in 1979 less than one acre was filled. The Act gives the State broad discretion in regulating virtually any form of development or disturbance on mapped coastal wetlands, except for mosquito control and continued commercial production of salt hay or other agricultural crops or activities.

The HMRDA provides the basis for management of the Meadowlands through the development and implementation of a plan for ecologically sound development in the Hackensack Meadowlands. The Hackensack Meadowlands Development Commission (HMDC) has planning and zoning responsibility for the District and has adopted a master plan shown on page 277 of the P/FEIS. The HMDC is composed of the State Commissioner of the Department of Community Affairs and three residents each from Bergen and Hudson Counties, appointed by the Governor with the advice and consent of the State Senate. The HMDC will be the State agency responsible for implementing the NJCMP in the Meadowlands.

Another of the NJCMP's basic authorities is the State's recent Department of Energy Act, which provides that decisions on the siting of energy facilities will be made jointly by the Department of Energy (DOE) and DEP.

The process of making permit decisions under the NJCMP is referred to as the Coastal Location Acceptability Method (CLAM), described on pages 79-238 of the P/FEIS. The CLAM is a nine step process which determines the DEP decision for any proposed coastal use in any coastal location. The first steps involve the identification and mapping of the site and surrounding region, noting special areas. Steps 6, 7 and 8 identify the applicable NJCMP policies, which are divided into three categories: Resource Policies

provide for review of a proposed development in terms of its effects on various resources in the coastal zone environment; Location Policies provide for evaluation of a proposed development according to the acceptability of the land and water location selected; and Use Policies apply to specific uses, wherever located or whatever resources are affected. Step 9 determines the final acceptability of a proposed use through the synthesis of the Location, Resource, and Use Policies.

V. What the New Jersey Program Will Achieve

In furtherance of the national goals of CZMA and State policies, the NJCMP will accomplish the following objectives:

A. The NJCMP will provide a comprehensive set of specific policies to address resource management and use throughout the coastal areas of the State. Demands on the coastal environment will continue in the future in the form of development pressures for resort development, recreation, port development, waterfront renewal, and casino development. The detailed policies will improve the clarity and predictability of State agency regulation of these development proposals.

B. The NJCMP will provide funding for a variety of efforts intended to provide for additional resource management in a number of areas including: development of a comprehensive fisheries management strategy; evaluation of potential dredge spoil disposal sites and selection of suitable locations; approval of a shore protection master plan for use in allocation of State shore protection funds; and creation of a State beach access plan and an implementation strategy.

C. The NJCMP will provide seven new professionals for the coastal permits enforcement staff to monitor coastal permit compliance.

D. The NJCMP will encourage location of development in areas where

growth has already occurred and preservation of existing natural areas. Through its location, use, and resource policies, the State will concentrate housing, commercial development, and other construction near existing development and discourage or prohibit building in natural areas.

E. Federal approval will extend the Federal consistency provision of the CZMA to the State's northern waterfront, including the Hackensack Meadowlands and the Delaware River areas. This provision will require Federal actions, including Federal projects, licenses, permits, and assistance programs, to meet the requirements of the NJCMP.

Many of the issues the NJCMP will address are expansions of present State efforts under the Segment Plan approved by OCZM in 1978.

VI. Major Issues

A number of issues were raised by reviewers of the NJCMP during the public review of the P/DEIS. Most have been resolved either through revisions or clarifications of the program description contained in the P/DEIS or through generic responses in Appendix H of the P/FEIS. The most significant issues raised during the review were as follows:

A. Wetlands Protection

A concern expressed during review was that although the NJCMP contains strong policies protecting regulated wetlands throughout the State as a whole, approval of the program would be inconsistent with the CZMA and the President's Executive Order 11990 (requiring the State to minimize the destruction, loss or degradation of wetlands) because one element of the NJCMP, the Hackensack Meadowlands Master Plan, allows certain wetlands to be filled.

The State has approximately 256,000 acres of wetlands. The State's regulations, now embodied in the NJCMP, have been sufficiently successful

that filling of these wetlands has been reduced to an average of 55 acres annually. The Hackensack Meadowlands Master Plan covers a small portion of the State's wetlands, 4,772 acres. The Master Plan preserves for open space 3,576 acres (approximately 75 percent of the wetlands covered by it) while allowing the filling of 1,196 acres (25 percent). Such filling could be carried out to accommodate a variety of uses, some of which may not meet certain criteria established for required Federal permits such as the water dependency criteria established by regulations issued under section 404(b)(1) of the Clean Water Act.

While I would prefer that the criteria established by HMDC were consistent with such Federal criteria, I do not believe the existence of inconsistencies between HMDC and current criteria for Federal wetlands permits requires me to disapprove the entire NJCMP program. I have considered approving the non-HMDC area as a second segment of the New Jersey program and requesting revisions to the HMDC Master Plan to protect wetlands better before final approval of the entire State program. However, I believe the better course of action is to approve the entire program at this time for the following four reasons. First, Section 306(h) of the CZMA and applicable regulations require a unified statewide program as soon as reasonably practical after approval of a segment. Second, the mandate of the Act which created the HMDC would make it very difficult for revisions to be promulgated to focus on the relatively narrow area of wetland protection without opening up a broader debate in the Legislature which could result in considerably less firm preservation strategies than those currently in effect. Third, pursuant to the NCJMP as now proposed the State is minimizing the overall loss of wetlands in accord with the Executive Order, even though the management approach does not match with that of the current

version of the Section 404(b)(1) guidelines. Finally, the exclusion of the Meadowlands would eliminate OCZM's opportunity to review and pass upon future amendments to the HMDC Master Plan that will exist if the NJCMP is approved and the Master Plan included in it.

Furthermore, other Federal criteria still must be applied on a case-by-case basis to any development activity whether subject to the Master Plan or not. Under Section 307(f) of the CZMA my approval of the NJCMP can not affect the application of the Clean Water Act or the Section 404(b)(1) guidelines, and each applicant for wetlands modification in the Meadowlands will be required to meet and properly document through a public process the tests for alternatives, need, water dependency, cumulative impact and interest required by Section 404(b)(1) of the Clean Water Act. The HMDC Master Plan does not meet the definition of a "Comprehensive Planning Process" or Special Area Management Plan under Section 404(b)(1) of the Clean Water Act. As a result, in each case the stronger standards, State or Federal, will prevail, as discussed on page 272 of the P/FEIS. In a letter of September 23, 1980, the Department of the Interior states it intends to oppose most of the proposals for non-water dependent wetlands developments which result from the HMDC plan. The P/FEIS clearly notes that the Hackensack Meadowlands designations for wetlands development do not preclude Federal agency recommendations and decisions contrary to such development.

Consequently, I believe my action of program approval is fully consistent with the CZMA and the President's Executive Order.

B. Adequacy and Coverage of Beach, Dune and Barrier Beach Policies

The adequacy and coverage of the beach, dune and barrier beach policies was raised by some reviewers of the NJCMP. After reviewing the NJCMP

laws and regulations, I believe that given the available data, the State's beach, dune and barrier beach policies provide in a minimally acceptable manner for "the management of those land and water uses having a direct and significant impact on coastal waters" as required by 15 C.F.R. §923.3(b)(1) of the CZMA regulations.

Because the Waterfront Development Act (which regulates all uses at least 100 feet inland of mean high water) does not apply in the Bay and Ocean Shore Segment, development proposals for beaches, dunes and barrier beach islands in this area are not subject to management under the NJCMP unless they are of sufficient size to require a CAFRA permit (e.g., more than 24 housing units). This issue was considered as part of the findings on OCZM approval of the Segment plan in 1978. There is no evidence after two years of operation that the judgement made at that time regarding the adequacy of the CAFRA policies or the coverage of the CAFRA permit requirements is erroneous.

Accordingly, I have concluded that the activities regulated by CAFRA minimally suffice to include uses that could reasonably be determined to have direct and significant impacts and that the requirements of the CZMA are therefore met. Evidence concerning the operation of the exemption will continue to be evaluated.

I have also found the NJCMP has taken minimally acceptable "steps to assure the appropriate protection of those significant resources and areas such as ... beaches, dunes and barrier islands that make the State's coastal zone a unique, vulnerable or valuable area" as also required by 15 C.F.R. §923.3(b)(1) of the CZMA regulations. I have reached this conclusion by reviewing the uses subject to management under CAFRA and the policies applicable thereto.

C. Weakening of Policies

Some reviewers of the P/FEIS have commented that certain policy changes in the P/FEIS weaken the environmental protection policies of the NJCMP.

In particular, the following policy changes have been cited:

The transferred impacts policy, set forth as policy 7:7E-6.4 in the P/DEIS, was not included in the P/FEIS. This policy would address the indirect impacts of development on other locations. While the policy would strengthen the ability of the State to control adverse effects from development, its inclusion is not a requirement of the CZMA and therefore does not affect Federal approval of the NJCMP.

The policy that regulated development in aquifer recharge areas, set forth as policy 7:7E-8.27 in the P/DEIS, was also excluded from the P/FEIS. The policy provided conditions under which development in these areas was acceptable. The reviewers were concerned that the lack of such a policy will allow high density development in aquifer recharge areas. While the policy would have offered additional protection to these recharge areas, the NJCMP policies on water quality and groundwater use are sufficient to protect recharge areas to the extent required by the CZMA.

The policy on runoff, set forth as policy 7:7E-8.7 in the P/FEIS, is the same as in the P/DEIS, but changes the Segment policy approved in 1978 to require coastal development to minimize stormwater runoff using best available technology, instead of simply "minimizing runoff" as was required under CAFRA. The State made this change as a result of experience in operating the Segment. An acceptable definition of "minimize" could not be reached in two years of operation under the Segment, creating uncertainty among permit applicants. The addition has been acceptable in other State programs and will provide a definite policy for applicants.

The filled water's edge area policy, set forth as policy 7:7E-3.17 of the P/FEIS, was changed in the P/FEIS by dropping the 100-foot buffer zone in which non-water related or dependent uses were prohibited. Under the revised policy, development is acceptable in the filled water's edge if it will not preempt uses of the waterfront by water-dependent uses and public access is not prevented. The filled water's edge was determined to be less environmentally sensitive than natural areas, allowing more permissive policies in that area. The CZMA does not require waterfront areas to be restricted to water-dependent uses, and I find no requirement in the CZMA that would require this change to delay program approval.

The shellfish beds policy, set forth as policy 7:7E-3.2 of the P/FEIS, was changed by the P/FEIS to allow development in shellfish beds if it is in the national interest and no prudent and feasible alternative sites exist. The reviewers' concern is that the national interest phrase will only apply to offshore oil and natural gas development which could be harmful to the beds, and that maintaining the shellfish beds in a pristine condition is also in the national interest. However, the "national interest" includes not only energy production and transmission, but also wetlands and living marine resources protection. Decisions made in the national interest will be made according to the NJCMP coastal resource and development policies, and the appropriate State permits will be required. The process for determining the national interest is discussed on pages 251-260 of the P/FEIS, and I am satisfied that such decisions will be made carefully and with full concern for the resources involved.

Finally, policy 7:7E-3.19 in the P/FEIS was altered to exclude a provision that development should ensure "minimum possible disturbances of vegetation" on the water's edge. While such a policy may have been desir-

able for certain areas, the NJCMP policies protect the most sensitive vegetation (see 7.7E-3.6, 3.16, 3.19, 3.24, 3.32, 3.33); the failure to extend this protection to all vegetation is not sufficient grounds to deny program approval.

After reviewing the policies in the P/FEIS and contrasting them to those in the P/DEIS and the previously approved Segment, I have concluded that the NJCMP continues to exceed the requirements of the CZMA for program approval.

VII. Detailed Findings on the New Jersey Program

The following discussion indicates how the NJCMP satisfies the specific requirements of the CZMA and its implementing regulations. It follows the organizational scheme of the regulations -- by reviewing the scope and specificity of the program and uses subject to management (Subparts A and B), the special planning areas involved (Subpart C), the general area that encompasses these uses and special areas (Subpart D), the authorities and organization necessary for management (Subpart E), and the public process by which the NJCMP was developed (Subpart F).

A. Uses Subject to Management (15 C.F.R. Part 923, Subparts A and B)

1. NJCMP policies and procedures defining the permissibility of uses are sufficiently specific and comprehensive to address the national findings and policies of Sections 302 and 303 of the CZMA (CZMA §306(c)(1); 15 C.F.R. §923.3)

The NJCMP provides for the management of all uses which have direct and significant impacts on coastal waters, as discussed in the following section. These uses are subject to over 100 enforceable, specific policies which ensure protection of those sensitive resources which make the State's coastal zone unique and valuable, including wetlands, coastal waters, sand dunes, and historical and esthetic resources.

Program policies are divided into three categories: Resource Policies,

which provide for review of a proposed development in terms of its effects on various resources of the coastal zone environment (P/FEIS, pp. 217-238); Location Policies, which provide for evaluation of a proposed development according to the acceptability of the land and water location selected (P/FEIS, pp. 79-176); and Use Policies which apply to specific uses, wherever located or whatever resources are affected (P/FEIS, pp. 177-216). These three sets of policies establish a predictable three-stage screening process that ensures review appropriate to the uses and areas involved.

2. The NJCMP includes "a definition of what shall constitute permissible land uses and water uses within the coastal zone which have a direct and significant impact on the coastal waters." (CZMA §305(b)(2); 15 C.F.R. §923.11.)

The NJCMP provides for permissible land and water uses that have a direct and significant impact on coastal waters. As indicated above, the primary statutes on which the NCMP is based include the CAFRA, the Water-front Development Act, the Wetlands Act and the HMDRA.

Uses subject to CAFRA are described on page 35 of the P/FEIS. CAFRA does not regulate all uses, but only those significant uses set forth below:

- electric power generation, including oil, gas, coal fired and nuclear;
- public facilities, including housing developments of 25 or more dwelling units, roads and airports, parking facilities of 300 spaces or more, wastewater treatment systems and components, and sanitary landfills;
- food and food by-products, paper and agri-chemical production;
- mineral products, chemical and metallurgical processes and inorganic salt manufacture; and

- marine terminals and cargo handling and storage facilities.

All uses are subject to the Waterfront Development Act, when it applies, except single family homes and other minor exemptions listed on page 32 of the P/FEIS. Under the Tidal Wetlands Act, any use occurring in a mapped coastal wetland is subject to the management program. The HMRDA established the HMDC as an independent political subdivision of the State. The HMDC has established a Master Plan and zoning ordinance which regulates all development within the HMDC's jurisdiction; all uses are subject to the policies and procedures adopted by the HMDC.

Chapter 4, subchapter 7 of the P/FEIS presents the policies for particular uses in the coastal zone, as described below:

a. Housing - Cluster development and housing that provides a mix of dwelling types for persons of different ages and incomes is encouraged. Large scale residential development is acceptable if the development is concentrated. High rise housing is encouraged in areas of existing high density. New housing behind a Filled Water's Edge is acceptable if the waterfront is preserved for water dependent uses and public access is not restricted.

b. Resort/Recreational - Waterfront municipalities are encouraged to provide a waterfront park. Resort/recreational uses have highest priority in counties on the ocean and Delaware Bay. New amusement piers are prohibited except in areas with privately held riparian grants, where they are discouraged. New or expanded marinas are acceptable if the demand for them cannot be met through existing facilities. Recreation areas should be included in the design for all new development.

c. Energy - Energy facilities are reviewed jointly by DEP and DOE. Outer Continental Shelf exploration and development is encouraged as long

as no long term adverse impacts will occur and program policies are followed. Onshore support bases are encouraged in built up areas and discouraged in less developed areas. Energy activities (including oil refineries, petrochemical facilities, storage facilities and tanker terminals) are generally acceptable in the northern waterfront area and discouraged in the Bay and Ocean Shore Segment. LNG facilities are discouraged in the coastal zone unless the facility can be shown to be in the national interest.

d. Transportation - Public transportation is encouraged while new road construction is limited to specific situations.

e. Public Facilities - New or expanded public facilities are acceptable with a demonstrated need. Resource recovery and energy efficient wastewater and solid waste facilities are encouraged while other public facilities are discouraged.

f. Industry - Industrial use is encouraged in Special Urban Areas and conditionally acceptable if the use is compatible with the Location and Resource policies.

g. Mining - New or expanded mining operations on land are conditionally acceptable if minimal disturbance occurs, buffer areas are provided, and land reclamation is provided.

h. Ports - Water dependent development has priority over other uses in port areas. New port use is encouraged in existing port areas and acceptable outside those areas only with a demonstrated need.

i. Commercial Facilities - Hotels and motels are acceptable if they are compatible with the surrounding development and encouraged if such development will promote revitalization of an urban area. Convention centers are conditionally acceptable in Special Urban Areas but prohibited on barrier islands and in extension and limited growth regions.

j. Dredge Spoil Disposal - Disposal is prohibited in wetlands and acceptable with conditions in other areas.

k. National Defense Facilities - These facilities are acceptable if they comply with coastal resource and development policies.

The NJCMP provides adequately detailed policies regarding land and water uses within the coastal zone.

3. The NJCMP provides for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit. (CZMA §306(e)(2); 15 C.F.R. §923.12.)

In New Jersey, uses of regional benefit include energy generating and distribution facilities operated by public utilities (other than refineries and tank farms), water and sewer facilities, solid waste collection and disposal systems, roads and highways, parks, housing for persons with low or moderate incomes, facilities necessary for State or national defense, and the use of wetland and wet beach areas.

Local governments are prevented from unreasonably excluding these uses by three methods. First the State has the power to overrule local decisions which seek to deny siting approval to any public utility or solid waste facility. With respect to solid waste facilities this power is exercised by DEP under the Solid Waste Management Act. The Board of Public Utilities in DOE has broad regulatory authority over public utilities, which comprise the bulk of the defined uses of regional benefit. The term public utility includes roads, street railway, traction railway, autobus, canal, express subway, pipeline, gas, electric light, heat power, water, oil, sewer, solid waste collection, solid waste disposal, telephone or telegraphic system, or plant or equipment for public use. This authority includes the power to supersede local zoning laws when necessary if the service is required for the welfare of the public. The standard of necessity has been defined by

the courts as that service "reasonably requisite to service public convenience." This override authority can be applied only to projects that have received all required State approvals.

The authority of the Board of Public Utilities to override local siting decisions can be invoked at the request of the aggrieved utility. This is an effective method of protecting uses of regional benefit from unreasonable restriction or exclusion by local governments. The memorandum of understanding (MOU) between DEP and DOE on energy siting policies and processes for resolving conflicts ensures that the NJCMP's policies concerning uses of regional benefit will be recognized by the Board, as the DOE intervention authority may be used in proceedings before the Board.

Second, the State of New Jersey has the power of eminent domain for any facilities necessary for State or national defense, airports, State highways and parks, wetlands, wet beach areas and open space under the Green Acres Program.

Third, a recent judicial ruling has held that low and moderate income housing is a use of regional benefit which municipalities must recognize through their zoning authority. The State is developing guidelines to implement this ruling. A developer whose application is denied local permits to build such housing has legal standing to appeal the denial on the grounds that the municipality has not provided its fair share of low cost housing.

Together these provisions adequately meet CZMA program approval requirements.

4. The NJCMP has developed a planning process for energy facilities likely to be located in, or which may significantly affect, the coastal zone, including, but not limited to, a process for anticipating and managing the impacts from such facilities. (CZMA §305(b)(8); 15 C.F.R. §923.13.)

Chapter V, page 285 of the P/FEIS contains a detailed discussion of the

State's planning process for energy facilities. The program involves two agencies--DOE, which determines the need for the facility, and DEP, which assesses the acceptability of facility sites using the NJCMP coastal resource and development policies. DOE has developed a State Energy Master Plan to guide its decisions on the need for energy facilities. A MOU between the two agencies defines their respective energy-related responsibilities. If the agencies disagree on the disposition of a proposed facility, they must notify the Governor, who will convene the three-member Energy Facility Review Board to resolve the dispute pursuant to coastal policies.

Besides the required public hearings on CAFRA permits, DEP may hold additional public hearings as part of its review process. Policy 7:7E-7.4 of the P/FEIS contains an extensive discussion of a broad variety of energy facilities, the effects of such facilities on coastal resources, the national interest and potential demand for these facilities.

This process is sufficient to meet CZMA approval requirements.

B. Special Management Areas (15 C.F.R., Part 923, Subpart C)

1. The NJCMP includes an inventory and designation of areas of particular concern within the coastal zone. (CZMA §305(b)(3); 15 C.F.R. §923.21.)

New Jersey has inventoried and designated Areas of Particular Concern (APC) as follows: all coastal wetlands, wet sand beaches, the Hackensack Meadowlands, Higbee Beach, Pond Creek Meadow Area, and ten State owned natural areas. The State-owned natural areas are Cape May Point, Cape May Wetlands, Strathmere Natural Area, North Brigantine, Great Bay, Swan Point, Manahawkin, Liberty Park, Rancocas, and the Island Beach State Park.

These APCs were designated adequately on the basis of the regional or Statewide significance of each area and its need for special attention based on the threat to the preservation of the area or obstacles to its development.

2. The NJCMP includes broad guidelines on priorities of uses in particular areas, including specifically those of lowest priority. (CZMA §305(b)(5); 15 C.F.R. §923.21.)

The State has adequately established broad guidelines regarding priorities of uses throughout all APCs. For example, the priority of uses in coastal wetlands is as follows:

- Open space (no development or disturbance);
- Development which (1) requires water access or is water-oriented as a central purpose of the basic function of the activity, (2) has no prudent or feasible alternative on a non-wetland site, (3) will result in minimum feasible alteration or impairment of natural tidal circulation, and (4) will result in minimum feasible alteration or impairment of the natural contour of the natural vegetation of the wetlands.
- Other development.

The priority of uses in wet sand beach areas is as follows:

- recreation
- navigation and commerce
- development with no prudent or feasible location on a non-beach (wet sand) location
- all other uses.

The HMDC has designated uses according to the mandate of its enabling legislation to preserve the wetlands, provide for orderly development, and manage solid waste disposal. The HMDC Master Plan Zoning Ordinance delineates what, where, and how development may take place. The HMDC Open Space Map (1972) specifies which areas are to be left as marshland preservation and which are to be parkland, and identifies the water courses for special protection, and the HMDC Wetlands Order (1972) defines the manner in which those wetlands will be respected.

The P/FEIS describes the priority of uses for Higbee Beach and the other APCs in Chapter V, page 265.

3. The NJCMP makes provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological or esthetic values.

(CZMA §306(c)(9); 15 C.F.R. §923.22.)

The NJCMP administers its areas for preservation program separately from the areas of particular concern program described in Finding B2 above. The DEP administers several approved programs through which areas can be designated for preservation or restoration. Because these programs are all in the same Department, administrative procedures are already in place to insure their coordination with the NJCMP.

Through the Green Acres Administration, DEP can purchase land or provide grants to local governments for land purchase and park development. The amount of money available is established by voter approved bond issues and legislative appropriations.

The Green Acres Administration also administers three other programs which provide DEP with the ability to indicate concern for the preservation or restoration of an area without the absolute certainty of success provided by land purchase. Under the Natural Area Systems Act, DEP can identify additional natural areas within DEP-owned and managed lands in need of preservation or protection and available implementation options. The Wild and Scenic Rivers System Act permits DEP to classify and designate rivers and administer rules to implement the purposes of the Act. Regulations for these two programs further describe the process for designation. Under the Heritage Program, the Green Acres Administration is beginning a historic and archaeological inventory in the area of overlap between the jurisdiction of the Pinelands Commission and the coastal zone.

The Division of Fish, Game and Wildlife can apply funding available under the Federal Endangered Species Act to the preservation of species habitats through land purchase or management. This is one of the major tools being used to preserve the Higbee Beach - Pond Creek APC.

Another procedure for the designation of areas for preservation or restoration is through the New Jersey Register of Historic Places and the National Register of Historic Places. The Commissioner of DEP, as the State Historic Preservation Officer, may approve nominations to the National Register of publicly or privately owned areas and sites for inclusion on the Register. Such inclusion prohibits any Federal, State, county or municipal agency from undertaking a project which would harm the historic place, without the approval of DEP, and in the case of the National Register, the approval of the Advisory Council on Historic Preservation.

These provisions meet CZMA standards for program approval.

4. The NJCMP provides for "a definition of the term 'beach' and a planning process for the protection of, and access to, public beaches and other public coastal areas of environmental, recreational, historical, esthetic, ecological or cultural value."
(CZMA §305(b)(7); 15 C.F.R. §923.24.)

"Beaches" are defined by the NJCMP as gently sloping areas of unconsolidated material, typically sand, that extend landward from the water to the area where a definite change takes place either in material or physiographic form, or to the line of vegetation. The upland limit of beaches is typically defined by the vegetation line or the first cultural feature, such as a road, seawall, or boardwalk. Beaches are divided into the "wet beach" (the area at and below the mean high water line) and the "dry beach" (the area above the mean high water line).

New Jersey has adequately developed policies aimed toward protecting beaches. The following activities are acceptable in the beach system if the NJCMP resource policies are met: Demolition and removal of paving and structures; sediment deposition to create new dunes; planting of adapted vegetation; development of limited unpaved pedestrian walkways through dunes and overwash areas to the beach; and shore protection structures

which meet the NJCMP use policies.

Unrestricted access to beaches for recreational purposes is desirable so that they can be enjoyed by all residents and visitors of the State. Public access will be required for any beaches obtaining State funds for shore protection purposes. Public access to beaches and other public areas of value is encouraged by the provision of State funds for acquisition, a beach shuttle to the Island Beach State Park, and enforcement of shorefront access and protection policies. Coastal development that unreasonably restricts public access to beaches is prohibited.

The DEP has begun several efforts toward ensuring beach access. A beach access plan is being developed that will provide seaside communities with beach guides and provide plans for acquisition for additional access. Protection of and access to other public coastal areas have been provided by legal decisions that increase public access and policies that encourage physical and visual access. Resource policies addressing access to areas of historical, aesthetic, ecological, and cultural value are included in the P/FEIS and supported by capital spending programs in the Green Acres Administration, New Jersey Conservation Foundation, and the Shore Protection Program.

I find that these processes adequately meet CZMA program approval requirements.

5. The NJCMP includes "a planning process for assessing the effects of shoreline erosion, however caused, and studying and evaluating ways to control or lessen erosion and to restore areas adversely affected by erosion" (CZMA §305(b)(9); 15 C.F.R. §923.25.)

As a result of rising sea levels and active storm-induced sand movement and offshore currents (littoral drift), the Atlantic coastline of New Jersey is a retreating shore. Coastal erosion also affects the Bay shores of New Jersey. The rate of retreat, or erosion, is not uniform, and varies

locally depending upon the nature and magnitude of coastal processes operating within individual parts of the shoreline.

The State is assessing the effects of shoreline erosion by reviewing previous studies, initiating new ones, participating in efforts by other agencies and organizations, and reviewing site-specific development proposals in the coastal zone that may affect erosion. The shoreline is visually monitored by DEP staff from the ground and the air to identify erosion problems.

A Shore Protection Master Plan is being developed as an initial step to deal with the impact of erosion. The next phases will involve municipal coordination and individual town projects. State funding will be available for implementation of the municipal projects if an acceptable municipal beach and dune protection policy is adopted, along with other requirements. The issuance of \$30 million of State bonds has been authorized to fund beach and harbor restoration studies and projects. Chapter IV of the P/FEIS contains key policies on shoreline erosion that will become part of the NJCMP.

The State has adequately met the CZMA program approval requirements addressing shoreline erosion.

C. Boundaries (15 CFR Part 923, Subpart D)

1. The NJCMP includes "identification of the boundaries of the coastal zone subject to the management program." (CZMA §305(b)(1); 15 C.F.R. §§923.31, 923.34.)

The NJCMP inland boundary for the portion of the coast from Raritan Bay south to Cape May Point, and north along the Delaware Bay, is defined as the landward boundary of the coastal area as defined in CAFRA, or the upper boundary of coastal wetlands located landward of the CAFRA boundary along tidal water courses flowing through the CAFRA area, whichever is more landward.

In the Hackensack Meadowlands, the NJCMP boundary is the same as the HMDC boundary, generally the first major road or railroad upland of the

tidally influenced wetlands.

In the remaining portions of the coastal zone, comprised of the Delaware River and northern waterfront areas, the NJCMP coastal zone boundary is defined as:

the landward boundary of the State's jurisdiction under the Waterfront Development Act (the first public road, railroad right-of-way, or property line generally parallel to any navigable waterway, but in no case more than 500 feet or less than 100 feet inland from mean high water) or Wetlands Act or the landward boundary of State-owned tidelands, whichever extends farthest inland.

The NJCMP seaward boundary is the three nautical mile limit of the United States territorial sea, and the interstate boundaries of the States of New York, Delaware and Pennsylvania.

Excluded Federal lands are listed on page 370 of the P/FEIS. Adequate coordination with adjacent states has been conducted as described on page 20 of the P/FEIS.

D. Authorities and Organization (15 C.F.R. Part 923, Subpart E)

1. The State is organized to implement the NJCMP and has the authorities necessary to do so. (CZMA §§305(b)(4), 305(b)(6), 306(c)(7), 306(e)(1); 15 C.F.R. §§923.41, 923.43, 923.46.)

The Governor has designated the DEP as the lead agency to receive and administer program administration funds under Section 306 of the CZMA. Within DEP, the Division of Coastal Resources is principally responsible for implementing the NJCMP and for continuing coastal planning and issuing CAFRA, Wetlands, and Waterfront Development permits. Energy siting decisions will be made jointly by DEP and the DOE consistent with the coastal policies as set forth in the MOU between DOE and DEP. The HMDC conducts planning and issues permits for areas in its jurisdiction.

The NJCMP relies upon direct State control (Technique B as set forth in 15 C.F.R. §923.43) for implementation of the applicable State laws. The most significant are CAFRA, the Waterfront Development Act, the Wetlands

Act, and the HMRDA.

CAFRA authorizes DEP to regulate and approve the location, design and construction of major facilities in the Delaware Bay and ocean shore Segment, including coastal waters. The Waterfront Development Law authorizes DEP to regulate the construction or alteration of a dock, wharf, pier, bulkhead, bridge, pipeline, cable or other "similar or dissimilar development" on or adjacent to navigable waterways and streams throughout the State. The Wetlands Act authorizes DEP to regulate activities in coastal wetlands and gives the State broad discretion in regulating virtually any form of development or disturbance on mapped coastal wetlands, except for mosquito control and continued commercial production of salt hay or other agricultural crops or activities. The Act includes only those wetlands subject to tidal action along specified water bodies and does not affect inland or freshwater wetlands. The HMRDA authorizes the HMDC to develop and implement a plan for ecologically sound development in the Hackensack Meadowlands. The HMDC has planning and zoning responsibility for the District and will be the State agency responsible for implementing the NJCMP in the Meadowlands. The location, use and resources policies of the NJCMP have been adopted as regulations for the first three laws discussed above in accordance with the State's Administrative Procedure Act.

Under the 1977 Department of Energy Act, DOE and DEP also have "coextensive jurisdiction" with respect to the siting of energy facilities. The facility siting review procedures are described in the MOU between the two departments set forth in Appendix C of the P/FEIS and includes consideration of the DOE Energy Master Plan by DEP and articulation by DEP of the reasons why any DEP permit decision differs from the Plan. If the two agencies cannot agree on a permit decision for a facility, the Governor may con-

vene the Energy Facility Review Board in accordance with the DOE Act. The Review Board is composed of the Director of DOE's Division of Energy Planning and Conservation, the Commissioner of DEP and a third member appointed by the Governor. In such case, the Board will make the final decision on the energy facility permit application. Review is limited to reasonableness of DEP's decision in light of the Energy Master Plan and to compliance with the State's Administrative Procedures Act.

I find that the State is organized to implement the NJCMP, that the authorities are adequate to permit implementation and that the relevant agencies are required to act consistently with the NJCMP.

2. The NJCMP has incorporated requirements established pursuant to the Federal Clean Water Act, as amended, and the Clean Air Act, as amended, as the water pollution control and air pollution control requirements applicable to the program. (CZMA §§307(f); 15 C.F.R. §923.45.)

The water and air quality standards established by the Federal Clean Water Act and Clean Air Act are part of the NJCMP and are administered by DEP. (See pages 46 and 56 of the P/FEIS.)

3. The NJCMP and any changes thereto have been reviewed and approved by the Governor. The Governor has designated a single agency to administer the grant and implement the NJCMP. (CZMA §§306(c)(4), 306(c)(5), 15 C.F.R. §§923.47 - 923.48.)

In a letter to OCZM on page 15 of the P/FEIS, Brendan Byrne, Governor of New Jersey, designated DEP as the single agency to receive and administer grants for the implementation of the NJCMP. DEP has the authority to accept and administer grant funds, make contracts and account for the expenditure of funds, and the administrative capability to monitor and evaluate the management of the State's coastal resources. The transmittal letter certifies that the Governor has reviewed and approved the NJCMP as State policy and attests that the State has the necessary authorities and organization to implement the NJCMP.

E. Coordination, Public Involvement and the National Interest
(15 C.F.R. Part 923, Subpart F)

1. During the process of NJCMP development, the State has provided the opportunity for full participation by relevant government agencies having interests and responsibilities affecting the coastal zone, all interest groups and the general public, and held public hearings on the NJCMP. (CZMA §§306(c)(1), 306(c)(3), 311; 15 C.F.R. §§923.50-923.55, 923.58)

The NJCMP was prepared in two phases. The first phase, involving the Bay and Ocean Shore Segment, was approved by OCZM in September 1978. The DEP had distributed strategy papers on the Segment program and had met with Federal agencies and the public on the papers. Monthly meetings were held with environmental groups, workshops were held for oil and gas industry representatives, and a newsletter was distributed to interested parties.

Following approval of the Segment, a paper entitled Options for New Jersey's Developed Coast was published and further public meetings were held in June 1979. Besides a number of public meetings in the northern part of the State, DEP met regularly with representatives of industries that would be affected by a full State program. After the P/DEIS was distributed, four public meetings were held around the State for further input and critique.

A chronology of these activities, which I find to be adequate, is set forth in Appendix A of the P/FEIS.

2. The views of the Federal agencies principally affected by the NJCMP have been adequately considered. (CAMA §§306(c)(1), 307(b); 15 C.F.R. §923.51.)

Eight Federal agencies commented on the P/DEIS, including the Department of Agriculture, Army Corps of Engineers, Department of Commerce, Department of Energy, Environmental Protection Agency, Federal Energy Regulatory Commission, Department of the Interior, and Department of the Navy. Responses to their comments are listed in Appendix H, Part V of the P/FEIS.

Most of the Federal comments were accommodated in the P/FEIS. The out-

standing remaining issue relates to wetlands protection (see Part VI of these findings). OCZM arranged for 9 Federal officials to visit with HMDC officials and tour the Meadowlands in early September 1980 to become more familiar with its operations. Although not all agency comments on the wetlands issue were completely accommodated in the P/FEIS, I am satisfied that they were fully considered.

3. The NJCMP provides for adequate consideration of the national interest involved in planning for, and in the siting of, facilities (including energy facilities in, or which significantly affect, the coastal zone) which are necessary to meet requirements which are other than local in nature. The State has the means to give consideration to any applicable interstate energy plan or program. (CZMA §306(c)(8); 15 C.F.R. §923.52.)

Chapter Five of the P/FEIS identifies the facilities in which there may be a national interest and the benefits to be derived from the siting of national defense facilities, energy production and transmission facilities, recreation facilities, and transportation and port facilities. It also describes the national interests in air and water quality, wetland protection, preserving endangered flora and fauna, wildlife refuges and reserves, and living marine resources. Finally, it describes the national interest in protecting floodplain and erosion hazard areas, barrier islands, historic sites, areas of unique cultural significance, minerals, prime agricultural lands and forests. This identification was based on Federal laws and regulations, policy statements of Executive Orders, special reports, studies and comments of Federal and State agencies and public testimony.

All of these facilities are of sufficient size to require a CAFRA permit, or if located outside the area object to CAFRA would require a Waterfront Development Act permit. Both of these Acts require adequate consideration of the national interest in making such permit decisions. CAFRA and the Wetlands Act state that the Commissioner of DEP "shall issue a permit only

if he finds that the proposed facility...is located or constructed so as to neither endanger human life or property nor otherwise impair the public health, safety and welfare." The Commissioner has interpreted "public welfare" and the jurisdiction of the State's Waterfront Development Law to include a full consideration of national interests as described in the NJCMP. This interpretation is contained in Chapter Three of the P/FEIS. In addition, the Department of Energy will interpret its mandate "to contribute to the proper siting of energy facilities necessary to serve the public interest" as sufficient authority to consider the national interest in the siting of coastal energy facilities.

With regard to the specific requirement that the State consider applicable interstate energy plans or programs, no such plans or programs are presently in existence. The NJCMP will consider any interstate energy plans or programs when developed in the future.

4. The NJCMP includes the procedures that the State will use to implement Federal consistency requirements. (CZMA §307(c) and (d); 15 C.F.R. §923.53.)

The Federal consistency procedures of the NJCMP are described on pages 242-250 of the P/FEIS. The DEP is the lead agency for Federal consistency purposes. The Federal activities, licenses, and permits that will be subject to consistency review are listed in the P/FEIS. In most cases those actions subject to consistency review will also require a State coastal permit; consistency for those actions may be demonstrated by receipt of the approved coastal permit. I find that the P/FEIS properly incorporates Federal consistency procedures.

5. The State has done all that is required pertaining to "coordinating its program with local, areawide and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the State's management program was submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under Section 204 of the Demonstration

Cities and Metropolitan Development Act of 1966, a regional agency or an interstate agency." (CZMA §306(c)(2)(A); 15 C.F.R. §923.56.)

The State has adequately coordinated the NJCMP with local, area, and interstate plans throughout the State by use of a number of mechanisms, including review of municipal master plans and zoning ordinances, distribution of working papers, and technical reports. There are no conflicts between the NJCMP and local, areawide and interstate plans applicable on January 1, 1980. The DEP has met with local officials throughout NJCMP development and will continue to encourage them to comment on coastal permit applications. The Delaware River Basin Commission (DRBC) and the DEP recently completed a study of the NJCMP resource and development policies that concluded the policies were not in conflict with the DRBC Comprehensive Plan.

The P/FEIS includes a description of how coordination on permits will occur in the Delaware Bay where a Delaware State permit may be needed. The State meets regularly with the States of New York, Pennsylvania and Delaware to discuss mutual problems. Coordination with HMDC is built into the program as described on page 283 of the P/FEIS. The NJCMP serves as staff to the Governor's Commission on the Hudson River, which includes the mayors of all coastal towns on the Hudson. Any major recommendations enacted as a result of the Commission's work will be amended into the NJCMP. These coordination efforts are detailed in Part IV of the P/FEIS.

6. The State has done all that is required with respect to establishing an effective mechanism for continuing consultation and coordination between the State and local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of the CZMA. (CZMA §306(c)(2)(B); 15 C.F.R. §923.57.)

A number of mechanisms exist that will ensure continued consultation and coordination between the various agencies and levels of government and the DEP

sufficient to meet the CZMA requirements. The principal mechanism for consultation and coordination with municipalities is the Municipal Land Use Law, which requires each town to develop a master plan that includes a conservation element providing for the conservation, preservation and utilization of natural resources. The DEP will continue to work with the towns to incorporate the coastal policies in the master plans. Counties have limited authority to regulate development but may enact environmental health ordinances which must be consistent with State law and regulations. In the future the DEP will delegate some regulatory responsibilities to county and municipal governments that have adopted plans and ordinances consistent with the NJCMP, but DEP retains the right to overrule changes to certified local plans.

The DEP will work with DRBC to develop a unified set of coastal policies for possible incorporation into the DRBC Comprehensive Plan. The DEP will coordinate regularly with the DRBC, Tri-State Regional Planning Commission and Port Authority of New York and New Jersey to assure consistent coastal policies. Periodic meetings will be held between DEP and other states' coastal management officials to exchange information and review evolving coastal policies. The DEP will review the plans and policies of other State agencies for consistency with NJCMP policies. The regional planning agencies with circular A-95 review functions in the coastal zone have no regulatory authority but will continue to review NJCMP activities through the A-95 review process.

VIII. Conclusion

Having made the findings set forth above, and having determined that the New Jersey Coastal Management Program meets the requirements of the Coastal Zone Management Act of 1972, as amended, and its implementing

regulations, I have approved the Program pursuant to Section 306 of the Act
on behalf of the Secretary of Commerce, on September 29, 1985.

Michael Glazer

Michael Glazer
Assistant Administrator for
Coastal Zone Management